

EXHIBIT 1

Sherman v. Asbestos
January 31, 2007

Moses Sherman

Page 1

SUPREME COURT: ALL COUNTIES
WITHIN THE STATE OF NEW YORK

IN RE: NEW YORK CITY
ASBESTOS LITIGATION

DEPOSITION
UNDER ORAL
EXAMINATION
OF
MOSES SHERMAN

This Document Applies To:

MOSES SHERMAN

PRIORITY-ONE COURT REPORTING SERVICES, INC.

899 Manor Road

Staten Island, New York 10314

(718) 983-1234

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1 Transcript of the deposition of the witness,
2 called for Oral Examination in the
3 above-captioned matter, said deposition being
4 taken pursuant to Federal Rules of Civil
5 Procedure by and before DEBRA deHAAS, a Notary
6 Public, at the Holiday Inn, 139 Bradford
7 Boulevard, Santee, North Carolina, on Wednesday,
8 January 31, 2007, commencing at approximately
9 9:15 in the forenoon.

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18 P-1 Supplement to Answers	
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21	
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24	
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25 Attorneys for Defendant, Pneumo Abex

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1 (Plaintiffs Exhibit Numbers 1 and 2 were
2 premarked for identification)

3
4 MR. JACOBS: Good morning. I'm
5 Erik Jacobs for Weitz & Luxenberg. I'm
6 here representing Moses Sherman in the
7 New York City asbestos litigation in
8 extremis case. This is a May 2007 case.
9 We're in Santee, South Carolina near the
10 home of Mr. Sherman. We're at a Holiday
11 Inn.

12 We're here to take his deposition. Before I
13 bring him in, just a couple of things for the
14 record. Number one, we've marked as Exhibit One
15 Mr. Sherman's supplement to his answers to
16 interrogatories which makes a few changes to
17 those answers. And below, there's a verification
18 where he verifies that he's reviewed the answers
19 and they're true and accurate.

20 In addition, I marked as Exhibit Two,
21 because I'm not sure if some of the counsel here
22 received this, it's an amended Chart A, which we
23 sent out to the defendants last week, which adds
24 a few job sites. It supersedes the original
25 Chart A.

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1 after that. So I would consider it a traffic accident.

2 Q. What did your father do for a living?

3 A. He worked in Charleston at the American Tobacco
4 Company.

5 Q. The American Tobacco Company in Charleston?

6 A. Right.

7 Q. What did he do at American Tobacco?

8 A. That I don't know.

9 Q. How old was he when he passed away?

10 A. That I don't know.

11 Q. Did your father ever smoke?

12 A. No. Not to my knowledge.

13 Q. How was his health prior to the accident?

14 A. His health was good prior to the accident.

15 Q. And your mother was Maggie?

16 A. Maggie Sherman.

17 Q. She passed away due to childbirth?

18 A. The childbirth, my two sisters, they -- I was
19 about -- I don't know what -- I don't know how old I
20 was. I barely remember it. I must have been four or
21 five years old.

22 Q. Do you know if your mother had any health
23 problems other than what led to her death, if at all, if
24 you ever heard anything?

25 A. No.

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1 Q. You said you have two sisters. Do you have any
2 other brothers or sisters?

3 A. The sisters died, too. They died right after my
4 mother.

5 Q. I'm sorry to hear that. I'm sorry. Do you have
6 any other brothers and sisters?

7 A. I have one brother.

8 Q. Okay. And what is your brother's name?

9 A. Ancle Sherman. A-n-c-l-e. S-h-e-r-m-a-n.

10 Q. And how old is Ancle?

11 A. I really don't know. He's two years behind me.

12 So that would make him -- see, I'm 70. That would make
13 him 68.

14 Q. So, approximately 68 years old?

15 A. Right.

16 Q. He's two years younger than you?

17 A. Two years younger.

18 Q. Where does he live?

19 A. Jamesburg, New Jersey.

20 Q. And what does Ancle do for a living?

21 A. He was working in a factory, some kind of a
22 factory. I don't know exactly what he was doing in
23 there.

24 Q. In New Jersey?

25 A. Yes. Before he retired.

Page 20

1 Q. Do you know what he did in the factory? If he
2 had a trade?

3 A. The only thing, I think he was like an overseer,
4 a foreman, I think in the factory, building a -- I think
5 was making furniture. Office furniture and stuff like
6 that.

7 Q. Making office furniture?

8 A. Right.

9 Q. Have you worked in any job sites with Ancle?

10 A. Never did.

11 Q. Do you know how Ancle's health is?

12 A. It's good so far, as far as I know.

13 Q. Has Ancle ever smoked?

14 A. At one time, yes.

15 Q. Did he smoke when you were around him growing up?

16 A. No. No.

17 Q. Has any family member ever been diagnosed with
18 cancer?

19 A. Yes. I had an aunt -- one aunt, as I remember.
20 There's more, but I don't remember right now.

21 Q. Do you know what type of cancer she had?

22 A. No. I don't know.

23 Q. Have you had any family members who had any
24 breathing or lung problems?

25 A. No.

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1 Q. What was the highest grade you completed in
2 school?

3 A. Seventh grade.

4 Q. And where was that?

5 A. Here in Eutawville.

6 Q. Okay. Did you ever have any type of vocational
7 training after that at any time?

8 A. At Brooklyn Automotive. I did four years in
9 there.

10 Q. That was at Brooklyn Automotive?

11 A. Right.

12 Q. I take it that was in Brooklyn?

13 A. It was.

14 Q. That was an easy one. Do you recall what year
15 you entered that program?

16 A. No.

17 Q. Do you recall what year you graduated or
18 completed?

19 A. Oh, I completed, '66, I think.

20 Q. Did you earn some type of certificate or --

21 A. Yes, I did.

22 Q. What was it officially called, if you know?

23 A. Just as a student. GED or whatever.

24 Q. Do you know -- I'll get into more about that in
25 just a minute. Did you ever serve in the military?

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1 Q. Did you have to do any type of engine work --
2 any type of gasket work on the engines?

3 A. Yes, sir. You do.

4 Q. They taught you how to replace and do a complete
5 engine overhaul?

6 A. Correct.

7 Q. Do you recall the brand name or trade name of any
8 of the new gaskets you put into the engines?

9 A. No. I do not. Long time back. I can't
10 remember.

11 Q. Do you recall the brand name, manufacturer's name
12 of any of the old gaskets that were in engines that you
13 took off?

14 A. Sometimes they were Delco gaskets. And I can't
15 remember. Usually Delcos, and then there was Ford. And
16 there was brakes -- Bendix back in those days.

17 Q. Is that for brakes, are you telling me about?

18 A. Brakes. Yes.

19 Q. I just want to stick with gaskets for right now.
20 For old gaskets that were on engines, you wouldn't be
21 able to tell who manufactured them. They weren't
22 written on the gaskets, were they? That you took off.
23 Say a manifold gasket.

24 A. At the time they were. I didn't pay attention to
25 them.

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1 Q. Okay. The vehicles that you worked on at the
2 school, do you know whether they were newer vehicles, or
3 were they used?

4 A. Mostly used.

5 Q. Do you know whether or not any of them had ever
6 had previous brake changes or clutch changes on them?

7 A. That I wouldn't know.

8 Q. There would be no way for you to know?

9 A. No.

10 Q. Same with gaskets. You wouldn't know whether
11 you're taking the original gasket --

12 A. Correct.

13 Q. -- off the vehicle or not, would you?

14 A. Correct. I wouldn't know.

15 Q. After you left the vocational school, did you go
16 on, then, to be an auto mechanic?

17 A. Correct.

18 Q. How long did you work as an auto mechanic?

19 A. Oh, about thirty -- about thirty years.

20 Approximately, thirty years.

21 Q. How long did you work in automotive garages
22 themselves? I understand at some point you moved to the
23 Transit Authority.

24 A. Right.

25 Q. How long did you just work where you worked

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1 before you moved to the Transit Authority?

2 A. Well, I can't say that -- I would keep a job -- I
3 would have kept a job as long as -- until -- if I see
4 something better, I move on. I can't remember how many
5 -- how many different jobs there were, if that's what
6 you mean.

7 Q. Okay. It's about six or seven years you were an
8 auto mechanic at various places before you went to work
9 at the Transit Authority?

10 A. Yes. It was more than that.

11 Q. Do you know how many years you worked just as an
12 auto mechanic before you went to the Transit Authority?

13 A. I would say it was at least eight to ten years.
14 Something like that.

15 Q. You started naming some places earlier. Do you
16 recall the names of any of the places you worked before
17 -- after you left the vocational school and before you
18 went to the Transit Authority? I think one you
19 mentioned was Legion?

20 A. Yes. Legion. Times Square stores.

21 Q. Times Square?

22 A. Right. Time Square stores. I worked at
23 Woodhaven Oldsmobile. The dealership. They were just
24 about a -- not even a year. About a year.

25 Q. Woodhaven Oldsmobile?

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1 A. Right.

2 Q. Before, when I was asking questions, you
3 mentioned Avis?

4 A. Avis.

5 Q. Was that at the time period before the Transit
6 Authority?

7 A. That was before.

8 Q. What about Lee Auto Service?

9 A. Lee Auto Service, I worked there. I forgot how
10 many years.

11 Q. Now, we have Legion, Lee's Auto, Times Square,
12 Avis, and Woodhaven.

13 A. Yes.

14 Q. And I'm not trying to say this is all of them.
15 That's the ones you remember today?

16 A. That's the only ones I remember.

17 Q. Can you tell me at any point for any one of these
18 what year or years you worked at them, or are they just
19 kind of all -- in your mind, at this point, some time
20 intermixed in that time frame. You're not sure --

21 A. Yeah. It's all -- I can't remember the exact
22 year, but it's all in the similar time frame.

23 MR. JACOBS: Let's be clear. This time
24 period is after you got your auto certificate and
25 before you went to the Transit Authority?

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1 A. I can't remember.
2 Q. You just, in general -- in general, if you had to
3 put a gasket on a water pump, you might have to cut that
4 to make it fit?
5 A. Right. Sometimes.
6 Q. What would you use to cut the gasket to make it
7 fit?
8 A. Well, we used a special tool that they would have
9 that you could buy to cut it. Sometimes we used a razor
10 blade.
11 Q. How long would that usually take?
12 A. Well, it all depends. Sometimes a couple of
13 hours. Sometimes an hour and a half, two hours.
14 Q. That's for the whole job?
15 A. No. The whole job, sometimes the whole job runs
16 about something like about three hours, three or four
17 hours.
18 Q. Okay. How long would it take just to cut the
19 gasket?
20 A. It would take you, by the time you fit it and cut
21 it, close to an hour. A lot of times.
22 Q. How long would the -- would the fitting take
23 longer than the cutting?
24 A. For a fitting, what do you mean?
25 Q. The gasket on the water pump, you'd have to

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1 figure out how big of a cut to make. Correct?
2 A. Yes. Yes. You measure with the old one or
3 something like that.
4 Q. Once you had that figured out, would you draw on
5 there how big of a circle to cut out?
6 A. Right.
7 Q. When you started cutting out, how long would that
8 take, just the cutting out part?
9 A. Depends on the size of the pump. Some of them
10 are bigger than others.
11 Q. Okay.
12 A. It depends on the size of the pump. If you get
13 -- like certain cars, if you get to a big one, it could
14 take you anywhere from an hour to an hour and a half.
15 Q. Just to cut it out?
16 A. Just to cut it out.
17 Q. When you had to cut it out, did you ever notice
18 whether there was dust from making the cut to the
19 gasket?
20 A. Yes. Most of the time there was a little dust.
21 Not much. But there was some.
22 Q. It wasn't like when you had to cut the sewer pipe
23 back at the construction job, was it?
24 A. No.
25 Q. I want to move on to Times Square Auto.

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1 A. Right.
2 Q. Where was it located?
3 A. That was located on Rockaway Boulevard and
4 Lawrence Boulevard.
5 Q. How long did you work at Times Square?
6 A. I worked for Times Square, off and on, it must
7 have been two or three years.
8 Q. When you say off and on, was it a full-time job?
9 A. I started off working part-time. And then I went
10 -- shift on over to regular -- a regular job.
11 Q. How long did you work part-time of the two to
12 three years, if you remember?
13 A. Part-time, I don't know exactly. I don't --
14 about a year, a year and a half. And, then, I went on
15 over full-time.
16 Q. Was Times Square also a gas station or just a
17 garage?
18 A. No. Just a regular garage.
19 Q. How many bays did Times Square have for working?
20 A. I think they had six.
21 Q. What type of work did you do at Times Square?
22 A. Again, batteries, brakes, shocks. Changed tires.
23 Q. Did you have to do any clutch work at Times
24 Square?
25 A. No. Not too many there. I didn't do too much of

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1 that.
2 Q. You had a few but not very many?
3 A. A few. Not very many. Maybe once in a while if
4 we dropped the transmission.
5 Q. What about gasket work?
6 A. Engine work we didn't do over there.
7 Q. So there's no engine work?
8 A. No engine work. Except tune-ups and whatnot.
9 External -- internal work.
10 Q. No internal work on engines?
11 A. Right.
12 Q. Did Times Square have its own parts supply at the
13 store?
14 A. It did.
15 Q. Did it have to order parts from auto supply
16 stores?
17 A. On some occasions.
18 Q. Most of the time they would deal with the
19 inventory they had on hand?
20 A. Most of the time, yes.
21 Q. Do you recall the names of any of the auto supply
22 stores they got parts from?
23 A. That I can't -- I can't remember that.
24 Q. Did Times Square ever have to go to the
25 dealership to get replacement parts?

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1 A. To get the -- they got their own parts. I don't
2 know where they got them from.
3 Q. Okay. For the brake work that you did at Times
4 Square, do you recall the brand name or trade name,
5 manufacturer's name of any of the new brakes that you
6 put on vehicles?
7 A. Right. It was -- if it was a Ford, I would use
8 back in those years, I think, had Bendix. Sometimes
9 Ford. And if it was a Chrysler, if I could find it, the
10 Mopar, I'd use the Mopar. I used whatever we could
11 find.
12 Q. Do you recall using, specifically recall using
13 Mopar brakes at the Times Square Auto?
14 A. I remember on occasion, yes.
15 Q. Do you recall the brand -- could you tell the
16 brand name, or trade name, or manufacturer's name of the
17 old brakes that you took off vehicles?
18 A. In some cases, it would be the original. In some
19 cases not. Sometimes it's not.
20 Q. Some of the vehicles -- some of the brakes you
21 removed at Times Square you think were the original
22 brakes put on the vehicles?
23 A. Yes.
24 Q. Do you recall what vehicles those came off of,
25 the specific model or make?

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1 A. If it was a Mopar, it came from Chrysler.
2 Q. Do you recall? What I want to do -- I'll ask
3 those later. Do you recall working on any type of
4 Dodge, Chrysler, or Plymouth vehicle that it was the
5 original brakes put on in the factory?
6 A. That I wouldn't know.
7 Q. You know that there were original brakes on
8 there, but can you tell me specifically what types of
9 vehicles those were? Or do you just know that in
10 general you took off new brakes, but you can't tell me
11 the vehicles?
12 A. I can't tell you -- take off the old brake, I
13 wouldn't know. I would have no way of knowing what -- I
14 really -- I wouldn't know.
15 Q. Okay. So, is it fair to say that you know that
16 you replaced original brakes that had been put on by the
17 factory, but as you sit here today, you can't tell me
18 specifically the make or model that that came off of?
19 A. Correct.
20 Q. The original brakes came off of?
21 A. Correct.
22 Q. Is that a yes?
23 A. Yes.
24 Q. How much of the work at Times Square was brake
25 work as opposed to the other types of work you did?

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1 A. Most of it was brake type work. I did some
2 shocks. But most of it was brakes and tires.
3 Q. How often -- how many brake jobs a day would you
4 do at Times Square?
5 A. That all depends how busy they were. Sometimes I
6 would do -- sometimes about four -- three or four a
7 day.
8 Q. Was that when you were full-time?
9 A. Full-time. Yes.
10 Q. How many when you were part-time?
11 A. Part-time I would do about one. Sometimes start
12 on the second one, but don't finish it.
13 Q. How long would it take you -- how long did it
14 take you to do a brake job at Times Square?
15 A. A brake job, it would last, any vehicle, about an
16 hour, hour and a half. And it depends on -- depends on
17 the condition that it was when the vehicle came in.
18 Q. Okay.
19 A. About an hour and a half, two hours.
20 Q. Did -- when you -- in this time frame when you
21 worked at Times Square, I take it the brakes were drum
22 brakes?
23 A. Drum brakes. Right.
24 Q. When you put on new drum brakes, did you have to
25 manipulate the drum or the lining in any way to get it

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1 to fit, or did it just snap back into place?
2 A. No. You do -- in most cases, you're going to
3 have to take that drum off, turn it down, sand -- cut it
4 down. Sometimes you have to sand the shoes off in order
5 to fit it in there.
6 Q. What would you use to sand the --
7 A. They have a machine. You mean to sand the shoes?
8 Q. Yes. To sand the shoes.
9 A. Used -- sometimes you use your hand. Take sand
10 paper and you use your hand. Sometimes you use a
11 sanding machine.
12 Q. All right. Describe for me how you would do a
13 brake change at Times Square.
14 A. How would I do it?
15 Q. Yes. You got the vehicle comes in, and you
16 needed to change the drum brakes. Just walk me through
17 the process.
18 A. I used to put it on the lift before you pull your
19 drums off, pull the shoes off, and cut the drum down,
20 like I said. In some cases, because they had high
21 spots. You put it on the machine and cut them down.
22 Get your shoe to your drum, and put the shoes back on
23 and put the drum on. Like I say, sometimes you have to
24 sand them down in order -- because if they are
25 oversized, if you get oversized shoes and it's too big

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1 to get the drum on, you have to sand it until you can
2 get the drum back on.
3 Q. On average, how many times would you have to sand
4 on the lining to make it fit?
5 A. A lot of times -- not that often.
6 Q. If you did four brake jobs a day, would you have
7 to do it more than once?
8 A. No. About one or two you have to do that. And
9 the others, sometimes you can get by without doing it.
10 Q. When you used -- you said you used sandpaper at
11 times?
12 A. Yes.
13 Q. How long would you be sanding on the drum or on
14 the shoe?
15 A. Sometimes anywhere from thirty minutes to an
16 hour. You see, you'll sand it, and if it doesn't fit,
17 you have to keep sanding until it does.
18 Q. Just when you're using the sand paper, can you
19 estimate for me how long that would take? If you were
20 just sanding it?
21 A. Oh, approximately 30 minutes.
22 Q. You'd be sanding on the brake for thirty minutes
23 total?
24 A. Yeah. All around. All four of them.
25 Q. For all four. Okay. So if -- for one wheel, it

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1 would be less, then, obviously. It would take you
2 thirty minutes to sand all four and make them fit?
3 A. Yeah. About ten minutes.
4 Q. And that includes checking them to make sure if
5 they fit. If they didn't, then sanding them again?
6 A. Rough off the friction most of the time. Make
7 sure they don't squeal.
8 Q. But not all that time is the time you spent with
9 the sand paper on the shoe for thirty minutes.
10 MR. JACOBS: You don't have to respond to
11 that. Please ask him proper questions.
12 MR. SCHWARTZ: You're objecting then?
13 MR. JACOBS: I don't have to object to that.
14 That's your statement. I don't need to object to
15 it. For you to testify and put it on the record,
16 it's just too outside the propriety. Just ask
17 him questions, if you will.
18 BY MR. SCHWARTZ:
19 Q. For the sanding machine, how long would you apply
20 the shoe to the sanding machine at a time?
21 A. It all depends. I don't know. It all depends on
22 how much out of round it is. Depends on how much I have
23 to do. Put it that way.
24 Q. When you were trying to make them fit, would you
25 just apply -- you would put it up on the sanding machine

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1 for a few seconds and check to see if it would fit or
2 not, something in that procedure?
3 A. And then go back again if it doesn't fit.
4 Q. All right. At Times Square, was there any type
5 of ventilation system in place for air to move through
6 the shop?
7 A. They had one big fan. One fan up there.
8 Q. All right. When you say they had one big fan and
9 then they had another fan?
10 A. No. One fan up in the middle of the building.
11 Q. When you did brake changes in, say, the summer,
12 would you keep the doors open?
13 A. In the summer, yes.
14 Q. In the winter when it's cold, you'd close them.
15 A. You'd close. Yes.
16 Q. Were there any windows in the shop?
17 A. Yes. One or two there. But they -- wasn't much
18 of a help. Because most of the time they had stuff
19 hanging in the front.
20 Q. In the summer, would you open the windows?
21 A. No. Most of the time the windows wouldn't open
22 at all.
23 Q. Okay.
24 A. Wouldn't open.
25 Q. For the brake shoes that Times Square purchased,

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1 would they purchase the entire drum and shoe to go on
2 the vehicle? Do you understand my question?
3 A. No, I don't.
4 Q. Would the drum come with the lining already on
5 it, or did you buy just lining?
6 A. Oh, oh, the metal part. You're talking about --
7 Q. Yes.
8 A. -- the metal part. Some cases, there wasn't.
9 And some years back, we used to have to put them on
10 ourselves. Have to rivet it on ourselves. Lately -- I
11 mean, later, after that, they always usually came all
12 together.
13 Q. Where did you have to -- what shops did you have
14 to put the linings on yourself?
15 A. I can't remember what shop. But I remember I had
16 to do it a couple of times.
17 Q. Do you recall whether that was at Times Square or
18 not?
19 A. No. It wasn't Times Square.
20 Q. It was not at Times Square?
21 A. No.
22 Q. Was it before you worked at Times Square?
23 A. Before I worked there.
24 Q. So at Times Square, you would get -- the drum
25 would come, it would be a metal piece and it had the

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1 lining on it?
2 A. Right.
3 Q. All right. I think next you said you worked at
4 Woodhaven Oldsmobile?
5 A. Yes.
6 Q. It may not be the next time frame. That's the
7 next one I have written down.
8 A. Yes.
9 Q. You worked there a year or so?
10 A. Yes.
11 Q. You worked in the service department?
12 A. Yes.
13 Q. Where was Woodhaven located?
14 A. That was in Woodhaven, New York. On the beach.
15 Woodhaven, I would say.
16 Q. Do you recall what street it was on?
17 A. It was on Cross Bay Boulevard.
18 Q. Cross Bay Boulevard?
19 A. Right.
20 Q. Do you know if it's still there today?
21 A. No. They're all -- went out of business right
22 after I stopped working.
23 Q. I'm sorry?
24 A. They went out of business right after I leave.
25 Q. And what type of work did you do at Woodhaven?

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1 A. I did some automatic -- transmission. And like
2 I said, whatever else that needs to be done. Brakes,
3 transmissions, tune-ups.
4 Q. Do you recall doing any clutch work there?
5 A. No more than the clutch that comes out of the
6 automatic transmission.
7 Q. Do you recall how long you worked at Woodhaven?
8 A. Approximately a year, I would say.
9 Q. I'm sorry. You already told me that.
10 A. Mmm-hmm.
11 Q. Did you have to do any engine work where you
12 replaced or removed gaskets?
13 A. Yes. Yes, I did. I think -- yeah. I did a
14 little gasket work.
15 Q. How many bays did Woodhaven have in the service
16 department?
17 A. I can't remember now. They had two on one end
18 and then the other. I forgot how many bays was in that
19 place. I really don't -- I really can't remember.
20 Q. Did Woodhaven use -- did Woodhaven get their
21 parts from someone other than their own supplier?
22 A. No. They used the original, the original
23 equipment.
24 Q. Okay. And, then, the last place that I have
25 written down that you worked at before you went to the

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1 Transit Authority is Avis?
2 A. Avis. Yes.
3 Q. I understand that was at JFK Airport?
4 A. JFK and LaGuardia, both of them.
5 Q. I'm sorry. JFK and what?
6 A. All of the shop work that I did, I did it at
7 LaGuardia. Not LaGuardia. At Kennedy. And, then, all
8 of it, what I used to have to do is go back, pick up
9 cars over at LaGuardia and bring them back to the other
10 airport.
11 Q. What type -- did you do mechanical work at Avis?
12 A. Yes. And at -- at Kennedy.
13 Q. So you did mechanical work at Kennedy, and then
14 you would also at times shuttle cars between Kennedy and
15 LaGuardia?
16 A. Correct.
17 Q. How long did you work at Avis?
18 A. I couldn't say. To the best of my knowledge, I
19 would say about two years.
20 Q. And what type of mechanical work did you do at
21 Kennedy or for Avis at Kennedy?
22 A. Well, mostly changing light bulbs, and have to
23 check -- check brakes. Pull a wheel off and check
24 brakes and whatnot. I didn't -- didn't do as much brake
25 work, but I had to check them. Take them off and clean

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1 them. Blow the dust out of them.
2 Q. Did you ever have to replace brakes at Avis?
3 A. Very -- on occasion, yes. But very seldom.
4 Q. And if I heard you, did I hear you correctly, you
5 said when you were checking the brakes, you cleaned the
6 dust out?
7 A. Right.
8 Q. How did you clean the dust out?
9 A. With an air hose. Blow it.
10 Q. I'm sorry?
11 A. With an air hose.
12 Q. With an air hose?
13 A. Yeah.
14 Q. Do you know where the -- was the dust that was
15 in -- was it in the hub, or was it -- was it in the
16 tire, or is it in the hub after you took the --
17 A. In the drum after I --
18 Q. In the drum? Do you know where that dust came
19 from?
20 A. Off of the brake shoes.
21 Q. Did you have to do any engine work at Avis?
22 A. No. No engine.
23 Q. Were these automatic transmissions, or were there
24 any standard?
25 A. Automatic.

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1 Q. You wouldn't have done any clutch work unless it
2 was an automatic transmission?
3 A. Right. True.
4 Q. Do you recall the brand name or trade name,
5 manufacturer's name of any of the new replacement brakes
6 for the few times you put them on at Avis?
7 A. I can't remember. No.
8 Q. Did Avis have its own garage?
9 A. Yes, they did.
10 Q. Did they have their own parts?
11 A. No. They didn't have a parts place.
12 Q. They had to go get them each time?
13 A. Yes.
14 Q. Do you know where they went and got the parts?
15 A. No, I don't.
16 Q. For the few times you did brake changes at Avis,
17 do you know the brand name, trade name, or
18 manufacturer's name of the brakes that came off the
19 vehicles?
20 A. They were -- mostly Mopar.
21 Q. You said you did it very seldomly. Can you tell
22 me how many times --
23 A. No.
24 Q. -- you did it?
25 A. I can't.

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1 Q. Would it be something you'd do once a month or
2 less?
3 A. More than once a month. It would be about
4 something most like once a week or something like that.
5 Q. Do you recall what type of vehicles that Avis
6 rented at the time?
7 A. All Chryslers. Chrysler Corporation.
8 Q. Or Chrysler family? Dodge, Plymouth?
9 A. Yes.
10 Q. How many -- how big was the garage at Avis?
11 A. It wasn't that large. It wasn't too big. Matter
12 of fact, it was only about two bays.
13 Q. Was it only one story tall?
14 A. One story.
15 Q. Did it have any ventilation system in it?
16 A. No more than a window.
17 Q. No fans?
18 A. No fans.
19 Q. Would you keep the bays open, the bay door open?
20 A. Yes. Yes. Keep the bay door open.
21 Q. Would you even do that in the winter time if
22 there was only one window?
23 A. Sometimes. If it wasn't too cool, they would
24 open it. If it was too cool, they would close it.
25 Q. Other than checking the brakes, doing occasional

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1 brake jobs, and replacing light bulbs, what other type
2 of work did you do at Avis?
3 A. Well, just some of everything. Shift cars
4 around.
5 Q. Having rented cars before, you see people when
6 you bring it back, they take the car and take it over
7 and clean it up. Was that part of your job, too?
8 A. I did that, too. Clean it up.
9 Q. Fill it up with gas?
10 A. Right.
11 Q. Stuff like that?
12 A. Yes.
13 Q. Was that a part -- a full-time job, too?
14 A. That was a full-time job. Yes.
15 Q. How many days a week did you work at Avis?
16 A. Five days a week.
17 Q. And, so, that would take us up to -- that's all
18 the people -- the places you remember working up until
19 the Transit Authority?
20 A. To my knowledge. Yes.
21 Q. You started with the Transit Authority in 1973?
22 A. '73. Yeah.
23 Q. Where -- it says you worked at the East New York
24 depot?
25 A. East New York depot.

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1 Q. Where is that located?
2 A. That's on the corner of Fulton and Pennsylvania
3 Avenue.
4 Q. Fulton and Pennsylvania Avenue?
5 A. Right.
6 Q. How big of a facility is that depot?
7 A. Twice the size -- I'd say twice the size of this
8 room.
9 Q. Twice the size of --
10 A. Of the hotel. This room.
11 Q. Of the hotel?
12 A. Yes.
13 Q. Since the people reading this won't be able to
14 tell how big the hotel is, is it more than an acre?
15 A. Yes. More than an acre.
16 Q. Can you tell me how many acres or estimate?
17 A. Approximately two, two acres.
18 Q. I take it there were other depots that serviced
19 the Transit Authority?
20 A. Yes. They had the train, subways was part of it.
21 Subway was on one side. I don't know how much that
22 covered. The subways, the trains was on the other side.
23 The service was on one side, and the trains were on the
24 other side.
25 Q. So the East New York depot serviced the subway

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1 Q. Can you give me an estimate of how many times
2 that happened?
3 A. Not -- I can't -- I'd say -- it's a very small
4 amount of the time. They only did this if it had to be
5 done. They didn't do it just to be doing it. It had to
6 be necessary for them to do it.
7 Q. I understand. I was just wondering if you could
8 give me some kind of estimate. Was it once a week that
9 you recall that happening, where they had to start the
10 engine while you were working around it?
11 A. I would say twice a month. Very seldom.
12 Q. Did the Transit Authority have safety meetings?
13 A. Yes, they did.
14 Q. How often would they have safety meetings?
15 A. About once a month I think it was. Once a month.
16 Or once every other month. I've forgotten now.
17 Q. At any point during the safety meetings, do you
18 recall the Transit Authority discussing asbestos, the
19 possible hazards?
20 A. No. They never discussed it.
21 Q. At any time -- we'll start with the Transit
22 Authority. Did you ever wear a mask or respirator while
23 working for the Transit Authority?
24 A. Occasionally, yes.
25 Q. You say occasionally. How often would you wear a

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1 mask or respirator? Or which one was it?
2 A. Every day.
3 Q. Every day?
4 A. But you couldn't keep it on all the time. You'd
5 have to take it off sometimes.
6 Q. Was it a mask or respirator, or do you know the
7 difference?
8 A. When I first started, it was just a mask. Then
9 they switch you over to a respirator.
10 Q. Do you know when that switch took place? What
11 year?
12 A. Yes. It was a little bit before I retired. A
13 couple years, about five years prior to me -- I think
14 before I retired. Prior to my retirement.
15 Q. Approximately 1988 or so did they switch to the
16 respirator?
17 A. '88, '87, somewhere in there. I can't remember
18 which. They made it mandatory to use the respirator.
19 Q. Prior to that time, was the mask mandatory or
20 optional?
21 A. It was mandatory. It was mandatory. It was only
22 a small white dust mask.
23 Q. But from the time you started working there it
24 was mandatory that you wear some type of breathing
25 protection?

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1 A. Yes.
2 Q. Did you ever wear a mask or respirator at any of
3 the auto --
4 A. No.
5 Q. -- repair places I'll call them?
6 A. No. Never did.
7 Q. Have you ever done any of your repair work on any
8 of your own automobiles?
9 A. Yes.
10 Q. When was the first time you did any work on your
11 own automobiles?
12 A. That was -- I can't remember. That was back in
13 the fifties.
14 Q. Was that before you moved to New York or after?
15 A. That was after.
16 Q. All right. Did you have a car when you lived in
17 New York?
18 A. Yes.
19 Q. Do you -- when's the last time you did any of
20 your own automobile repairs?
21 A. Automobile repair of my own, was about a couple
22 -- before I got sick. It was a couple years. I'd say
23 back about two or three years now since I did anything
24 of my own.
25 Q. So, 2003, 2004?

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1 A. 2000 -- something like that. 2003, '04.
2 Q. What type of repair work have you done on your
3 vehicles?
4 A. I put the brakes on it and tuned it up. That's
5 about -- and changed the oil. That's about all.
6 Anything else now, I take it to the shop.
7 Q. Did you do more things to the vehicle back in the
8 fifties and sixties, seventies?
9 A. Oh, yes.
10 Q. What type of work did you do back then on your
11 vehicles?
12 A. Pull out the tranny, transmission, changing
13 engines.
14 Q. When's the first time you changed brakes on any
15 of your vehicles?
16 A. That I can't remember.
17 Q. Would you have been doing that as early as the
18 1950s, or did you wait until after you'd gone through
19 the --
20 A. No. I did it before -- just before I went to
21 the trade school.
22 Q. All right. So, that would probably be sometime
23 in the sixties?
24 A. Yes. About '64. '65. Back then.
25 Q. Do you recall the specific makes or models of any

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1 while at Brooklyn Automotive, would have removed Ford
2 brakes from a vehicle you were working on?
3 MR. JACOBS: You looking for a number?
4 MR. STARR: Yes.
5 MR. JACOBS: You don't have to guess.
6 BY MR. STARR:
7 Q. I don't want you to guess. An estimate, if you
8 have it. But I don't want you to guess.
9 A. Well, I don't know.
10 Q. Would that also hold true with Delco?
11 A. True.
12 Q. I'd like to figure out kind of what the facility
13 looked like at Brooklyn Automotive. How big was the
14 school?
15 A. Well, the school itself wasn't large, because we
16 had one little area we was working in. It wasn't very
17 -- it wasn't very large.
18 Q. Let's talk about just the area you were working
19 in. About how big was that?
20 A. I'd say it was about -- 75 by 100 feet wide.
21 Seventy-five long. About a hundred feet wide.
22 Q. Were there bays?
23 A. No. Just an open room. They had equipment set
24 up and all. Like a manufacturing shop.
25 Q. So it was open, but all inside?

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1 A. All inside. They had machines. Machines set up
2 on the floor. Had them spaced out between each other.
3 Q. How was this area ventilated?
4 A. Well, it had fans. Fans. That's about it. And
5 windows.
6 Q. When you were doing your work at Brooklyn
7 Automotive, were the windows open?
8 A. They were closed most of the times that I was
9 there. I was going to night school. They were closed.
10 Q. Do you remember any of the names of people you
11 may have gone to school with there?
12 A. No. I can't remember any.
13 Q. I want to talk to you now about brake -- the
14 process of changing brakes in general. I think I can
15 save you some time. Earlier this morning you talked to
16 Mr. Schwartz about the process of changing a drum brake.
17 A. Mmm-hmm.
18 Q. Would that process be the same regardless of
19 whether the brake was manufactured by Bendix, Mopar,
20 Ford, GM, Delco? Is the process still the same?
21 A. Still would be the same. Yes.
22 Q. And in your time -- and this is an over-arching
23 question -- at any point, did you ever change a disk
24 brake?
25 A. Oh, yes. Yes.

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1 Q. When did you first do that?
2 A. Whenever they first -- I don't know. Because I
3 don't remember when they first came out. When they came
4 out, first came out, that's when I started. I don't
5 know what year.
6 Q. Was it after your time at Brooklyn Automotive?
7 A. It was after. Yeah. It was after that.
8 Q. I'm going to move forward now to your first job
9 with Legion. Like Mr. Schwartz said, I'm not sure if
10 this is the very first job. It's the first one he
11 addressed, so I'll keep it in the same order to make
12 your life a little bit easier. Do you remember any of
13 the people you worked with at Legion?
14 A. Well, they're all deceased. Because there was
15 only three of us at Legion. They're all -- as I know
16 of, they're all -- I'm the only one left. The rest of
17 them are deceased.
18 Q. When you first started working there, did you
19 have a title of any kind?
20 A. No more than as a regular mechanic.
21 Q. Do you remember what you were being paid?
22 A. No. I can't remember that.
23 Q. At Legion you talked to us about gasket work that
24 you performed. When you would remove a gasket of any
25 type from an engine, did you know any of the brand

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1 names, trade names, or manufacturers of those gaskets,
2 coming off the engine?
3 A. No.
4 Q. And at Legion you told Mr. Schwartz that you did
5 put on Ford gaskets during your time there. Is that
6 accurate?
7 MR. JACOBS: Hold it. Hold it. Are you
8 asking him it's accurate that he told him that?
9 MR. STARR: Let me rephrase it.
10 MR. JACOBS: Or is the prior testimony
11 accurate?
12 BY MR. STARR:
13 Q. When you were working at Legion, did you put Ford
14 gaskets on engines?
15 MR. JACOBS: He's already testified that he
16 did.
17 A. Yes.
18 MR. JACOBS: He also used Ford gaskets.
19 BY MR. STARR:
20 Q. Did you get the gaskets -- how did they come
21 packaged?
22 A. Sometimes they come just in plastic. Sometimes
23 they come in a box.
24 Q. Was there ever a label on the box or packaging?
25 A. In most cases, there were.

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1 have to check a vehicle's brakes to see if they were --
2 A. Well, there was no set time. It depends on how
3 many miles that was on the car, just before they really
4 changed them. They changed them very often. Sometimes
5 on the old one, if they didn't change, they had to pull
6 the wheels off and check them to make sure.
7 Q. Do you know how many times per week you were
8 actually checking brakes?
9 A. Not very often. Once, twice a week.
10 Q. And, then, going back to Times Square Auto, you
11 listed several manufacturers of brakes that you remember
12 using.
13 A. Mmm-hmm.
14 Q. One was Mopar. Do you know how often you would
15 use Mopar brakes versus the other types?
16 A. Well, not as -- not as often. I didn't use
17 Mopar as often as I used the rest of them.
18 Q. Can you give me any type of estimate of how many
19 times in a week or month you'd use a Mopar replacement
20 brake at Times Square?
21 A. Some of them once or twice a week.
22 Q. Thank you, sir. That's all I've got.
23 A. Mmm-hmm.
24 MR. JACOBS: Let me ask a few questions.
25 Then you guys can see if you have any more.

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1 CROSS-EXAMINATION BY MR. JACOBS:
2 Q. Moses, I just want to ask you a couple of
3 questions about the brake shoes themselves. You've
4 testified that for a period in your career, you worked
5 on cars. And, then, for a period of time in your career
6 you worked at the Transit Authority on buses.
7 A. Right.
8 Q. I want you to testify about and get on the record
9 the difference between the brake shoe on a car and the
10 brake shoe on the bus. So would you tell us, could you
11 describe for us what the brake shoe, what one brake shoe
12 that went in a car looked like? The size of it?
13 A. Well, this was about two, two inches wide. The
14 car was about two inches wide. And about six inches
15 long.
16 Q. And the length, is that a straight length or a
17 curved length?
18 A. It's a curved length.
19 Q. So it's about six inches long by two inches wide?
20 A. Yes.
21 Q. In contrast, could you describe a bus brake?
22 A. A bus brake is about four inches wide -- four,
23 five -- five inches wide, I would say. And it's -- it
24 would be about a foot, close to a foot. Overall, closer
25 -- it depends -- closer to about a foot. Twelve

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1 inches.
2 Q. And the portion of the brake that's the friction
3 portion as opposed to the metal shoe, and there's a
4 friction portion that's riveted or connected to it.
5 A. The lining.
6 Q. The lining. On a car brake, how thick is the
7 lining?
8 A. On a car brake? I used to know this.
9 Q. Approximately.
10 A. I would say close to half inch.
11 Q. And how about on a bus brake?
12 A. A bus brake is -- that's about an inch. Yeah.
13 About an inch and a half.
14 Q. When a car brake was put on a sanding wheel, did
15 it cause dust?
16 A. Yes.
17 Q. How about a bus brake?
18 A. They all cause dust.
19 Q. And when a brake, a car or a bus brake was
20 sanded, and there was dust created, was there any way to
21 avoid breathing that dust?
22 A. The only -- using a respirator. If you had a
23 respirator. Otherwise, there's no other way.
24 Q. When you wore respirators -- you said towards the
25 end of your career at the Transit Authority you wore a

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1 respirator.
2 A. Yeah.
3 Q. Did you wear that respirator to protect you from
4 asbestos dust?
5 A. Yes.
6 Q. Okay.
7 A. Well, not -- well, the dust completely. In
8 general. That meant for everything. The dust, period.
9 Q. Do you have anything that you can tell us about
10 what that respirator was made of, or how it was
11 constructed such that it would protect you from asbestos
12 dust?
13 A. Well, I'm assuming it had charcoal in it. And
14 some form of cotton. Something like that, with
15 charcoal.
16 Q. Have you ever seen -- have you ever watched on TV
17 when they had some kind of an asbestos hazard and they
18 show workers working with asbestos today? Have you ever
19 seen what type of uniforms or clothing, protective
20 clothing they wear?
21 A. Yeah. I've seen that.
22 Q. What is it that you've seen that they wear?
23 A. It's just a suit. Head gear. I mean a whole,
24 complete thing.
25 Q. Were you ever given protective gear like that to